

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

J&JB TIMBERLANDS, LLC,

Plaintiff,

vs.

WOOLSEY ENERGY II, LLC and  
WOOLSEY OPERATING COMPANY, LLC,

Defendants.

Case No. 14-cv-1318-SMY-PMF

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 44) of Magistrate Judge Philip M. Frazier recommending this Court grant in part and deny in part “Plaintiff’s Rule 37 Motion” ( Doc. 37) wherein Plaintiff seeks an order imposing sanctions on Defendants for deleting electronic data during the pendency of this action. Neither party filed objections to the Report.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

Having received no objection to the Report, the Court has reviewed Plaintiff’s motion and the history of the case and finds that the Report is not clearly erroneous. Accordingly, the Court **ADOPTS** the Report of Magistrate Judge Frazier (Doc. 44) and **GRANTS in part and**

**DENIES in part** Plaintiff's motion for sanctions (Doc. 37). Specifically, the Court **ORDERS** Defendants to compensate Plaintiff for the reasonable attorney fees and other expenses incurred in obtaining the 2014 emails pertaining to the seismic survey of petroleum resources beneath Plaintiff's property.

**IT IS SO ORDERED.**

**DATE: July 25, 2016**

s/ Staci M. Yandle  
**STACI M. YANDLE**  
**DISTRICT JUDGE**